

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

DAVID LIDYARD and MAKENNA LIDYARD,

Plaintiffs,

v.

USAA CASUALTY INSURANCE COMPANY,

Defendant.

Case No. 2:21-cv-00396-BJR

AMENDED STIPULATED JOINT  
MOTION AND ORDER TO  
EXTEND DISCOVERY CUTOFF  
DATE, DISPOSITIVE MOTION  
DEADLINE, AND TRIAL DATE

**STIPULATION**

COME NOW Plaintiffs David and Makenna Lidyard and Defendant USAA Casualty Insurance Company ("USAA CIC"), by and through their counsel of record, and hereby make this stipulated joint motion to extend (a) the discovery deadline of December 8, 2021 to February 11, 2022, (b) the dispositive motion deadline of January 7, 2022 to March 7, 2022, and (c) the June 6, 2022 trial date to August 29, 2022. The parties respectfully request that the Court issue a new scheduling order adjusting all other pre-trial deadlines accordingly.

**FACTS**

On November 19, 2021, the parties filed a Stipulated and Agreed (Proposed) Order to Extend Discovery Cutoff and Dispositive Motion Deadline by two months. Dkt. #15. At that time, the parties did not request a continuance of the June 6, 2022 trial date. On November 28,

2021, the Court's Bailiff contacted the parties, indicating that the Court might be inclined to also continue the trial date by approximately two months (the same length as the requested continuance of the discovery cutoff and dispositive motion deadline). Counsel for the parties have conferred and confirmed that they are available for trial on August 29, 2022, or the next available date on the Court's docket.<sup>1</sup> For good cause shown below, the parties respectfully request that the Court grant their motion and continue trial to August 29, 2022. The parties further request that the Court issue a new scheduling order extending the discovery deadline to February 11, 2022, the dispositive motion deadline to March 7, 2022, and all other remaining pretrial deadlines accordingly.

### **ARGUMENT AND AUTHORITY**

The Court may modify deadlines contained in the scheduling order "for good cause." Here, good cause exists to extend the discovery deadline, dispositive motion deadline, and trial date. First, the parties have been engaged in settlement discussions to determine whether this case may be resolved without the need for protracted litigation. While the parties have continued to conduct discovery, they have also been cognizant of the impact that such associated costs and fees might have on the ongoing settlement negotiations. Second, counsel for the parties have been cooperatively working to schedule several depositions (including of Plaintiffs) and complete written discovery. Due to the upcoming holidays and conflicting schedules of the witnesses and counsel, the parties do not anticipate that these depositions will be able to occur prior to December 8, 2020, the date of the current discovery cutoff in the Court's April 28, 2021

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<sup>1</sup> If the Court is not available for trial the week of August 29, 2022 or the following week, the parties note that defense counsel does have another trial beginning on September 19, 2022. Counsel thus respectfully requests that trial in this matter not be set for that week.

1 Order Setting Trial Dates and Related Dates (*See* Docket #11). The parties thereby stipulate and  
2 ask for leave to extend the discovery cutoff to February 11, 2021, the dispositive motion deadline  
3 to March 7, 2022, and the trial date to August 29, 2022. The parties also request that the Court  
4 issue a new scheduling order extending all other remaining pretrial deadlines similarly.  
5

6 DATED this 1st day of December, 2021.

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19 *Attorneys for Defendant USAA CIC*

**ORDER**

This matter having come before the Court upon the stipulation of the parties, IT IS HEREBY ORDERED that, for good cause shown, the discovery cutoff in this matter is extended from December 6, 2021 to February 11, 2022. IT IS FURTHER ORDERED that the dispositive motion deadline shall be extended to March 7, 2022. IT IS FURTHER ORDERED that the trial date in this matter shall be continued until August 29, 2022.

Dated this 9th day of December, 2021.

A handwritten signature in black ink, reading "Barbara J. Rothstein". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

The Honorable Barbara J. Rothstein